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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,495	09/22/1999	KLAUS MARSCHOLL	08204.035	4748

7590 08/21/2002

LINIAK BERENATO LONGACRE & WHITE
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,495

Applicant(s)

MARSCHOLL, KLAUS

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 November 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 8, 2000 and November 26, 2001 have been approved.

Specification

The disclosure is objected to because of the following informalities:
on line 7 of page 8, "of the drive motor" is grammatically awkward and confusing. It is suggested that the applicant change "of the drive motor" to either --the drive motor-- or --of the drive motor components-- to avoid confusion.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Recitations such as "when said window pane . . . to said upper position" on lines 4-5 of claim 1 render the claims indefinite because it implies that the cable segments are not parallel to each other at times other than when the window pane is lifted from the lower position to the upper position. Recitations such as "the width . . . the cable segments" on lines 1-2 of claim 4 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "one of said actuators" on line 11 of claim 5 render the claims indefinite because it is unclear if the applicant is referring to the at least one of said actuators set forth above or is attempting to set forth another actuator in addition to the one set forth above. Recitations such as "one of the cable segments" on line 11 of claim 5 are confusing since the applicant has already set forth that the actuators are connected to respective cable segments. See lines 5-6 of claim 5. Recitations such as "said one of said actuators" on line 12 of claim 5 render the claims indefinite because it is unclear which one of the plurality of one of the actuators set forth above the applicant is referring to. Recitations such as "first and second guides" on line 2 of claim 6 render the claims indefinite because it is unclear if the first and second guides include the at least one guide set forth above for a total of two guides or are in addition to the at least one guide set forth above for a total of three guides. Recitations such as "at least one of said actuators is formed as horizontally mutually spaced slides" on lines 1-2 of claim 11 render the claims indefinite because it is unclear how one actuator can comprise a plurality of slides. See figure 1 wherein each actuator appears to comprise only one slide.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Tenbrink et al. Nakamura et al. discloses a motor vehicle window lift for lifting a window pane 27 from a lower position to an upper position comprising a mounting structure 3, a drive system 12 for actuating a lift operating condition, a cable system 10 having one cable segment (not numbered, but seen on the right side of figure 1), several reversing rollers 8, 9 for the cable system and two actuators 17A, 17B for the window pane, one of which is affixed to the cable segment, the two actuators being displaceably guided and slidably fixed respectively directly to first and second guides 1A, 1B on the mounting structure, wherein the two actuators are rigidly connected to each other by a rigid coupling 28 such that the actuators are non-movably and non-pivotally fixed to the rigid coupling. The rigid coupling 28 is a cross bar which is detachably attached to the actuators and forms the rigid coupling. Nakamura et al. is silent concerning a two cable segment cable system.

However, Tenbrink et al. discloses a motor vehicle window lift comprising a cable system having two cable segments (not numbered, but seen in figure 1) running substantially parallel to each other when a window pane is lifted from a lower position to

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an upper position, two actuators 32 each affixed to a respective one of the cable segments.

It would have been obvious to one of ordinary skill in the art to provide Nakamura et al. with a cable system, as taught by Tenbrink et al., to improve the operation of the window lift.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Tenbrink et al. as applied to claims 1-3, 5-7 and 10-13 above, and further in view of Kimura et al. Kimura et al. discloses a mounting structure B3 having a width is less than approximately $\frac{2}{3}$ the width of the window pane B1.

It would have been obvious to one of ordinary skill in the art to provide Nakamura et al., as modified above, with a width, as taught by Kimura et al., to reduce the amount of space required in the vehicle door to mount the window lift.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Tenbrink et al. as applied to claims 1-3, 5-7 and 10-13 above. Nakamura et al., as modified above, is silent concerning how the first and second guides are attached to the mounting structure.

However, it would have been no more than an obvious matter of engineering design choice for one having ordinary skill in the art to attach the first and second guides to the mounting structure with screws, rivets or welds.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Tenbrink et al. as applied to claims 1-3, 5-7 and 10-13 above, and further in view of Marscholl et al. Marscholl et al. discloses an adjusting element 11 for connecting the ends of a cable system 3 to a coupling 1.

It would have been obvious to one of ordinary skill in the art to provide Nakamura et al. with adjusting elements, as taught by Marscholl et al., to adjust the cable tension.

Response to Arguments

Applicant's arguments filed July 23, 2002 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
August 21, 2002